

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Francesca Chery	Team: Squad #14	CCRB Case #: 202203510	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/21/2022 12:00 PM	Location of Incident: § 87(2)(b)	18 Mo. SOL 11/21/2023	Precinct: 25		
Date/Time CV Reported Tue, 05/24/2022 4:12 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 06/01/2022 8:37 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Matthew Medina	18249	956916	025 PCT
2. PO Edgar Espinal	01190	963503	025 PCT
3. PO Vincent Degennaro	22808	969641	025 PCT
4. PO Marc Brigantti	02369	963412	025 PCT
5. PO Katrayen Arsen	22703	962224	025 PCT
6. SGT Brian Klarman	00572	946506	025 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Nicholas Ragone	16424	959910	025 PCT
2. PO Paul Sclafani	20950	963266	025 PCT
3. PO James Weismiller	10920	955657	025 PCT
4. PO Steven Cruz	00809	966010	025 PCT
5. PO Anthony Steel	06748	949694	025 PCT
6. PO Sakib Rahat	20216	968725	025 PCT
7. PO Joseph Deck	08350	947736	025 PCT
8. PO Sabrina Alicea	07951	948603	025 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Marc Brigantti	Abuse: Police Officer Marc Brigantti entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
B. PO Edgar Espinal	Abuse: Police Officer Edgar Espinal entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
C. PO Vincent Degennaro	Abuse: Police Officer Vincent Degennaro entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
D. PO Matthew Medina	Abuse: Police Officer Matthew Medina entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
E. PO Katrayen Arsen	Abuse: Police Officer Katrayen Arsen threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
F.SGT Brian Klarman	Discourtesy: Sergeant Brian Klarman spoke discourteously to § 87(2)(b)	
G.SGT Brian Klarman	Abuse: Sergeant Brian Klarman detained § 87(2)(b)	
H.PO Katrayen Arsen	Abuse: Police Officer Katrayen Arsen frisked § 87(2)(b)	
I.SGT Brian Klarman	Abuse: Sergeant Brian Klarman frisked § 87(2)(b)	
J.PO Katrayen Arsen	Abuse: Police Officer Katrayen Arsen failed to provide § 87(2)(b) with a business card.	
K.SGT Brian Klarman	Abuse: Sergeant Brian Klarman failed to provide § 87(2)(b) with a business card.	
L.SGT Brian Klarman	Abuse: Sergeant Brian Klarman forcibly removed § 87(2)(b) to the hospital.	
§ 87(2)(g), § 87(4-b)		

### Case Summary

On May 24, 2022, § 87(2)(b) filed the following complaint via 311 on behalf of herself, her 21-year-old daughter, § 87(2)(b) and her 19-year-old son, § 87(2)(b). On June 1<sup>st</sup>, 2022, § 87(2)(b) complaint was received at the CCRB via IAB.

On May 21<sup>st</sup>, 2022, at approximately 12:00 p.m., § 87(2)(b) was at her apartment, § 87(2)(b) in Manhattan with § 87(2)(b) § 87(2)(b) and her younger daughter, 14-year-old § 87(2)(b) § 87(2)(b) called 911 on § 87(2)(b) after a physical dispute between them and Police Officer Marc Brigantti, Police Officer Edgar Espinal, Police Officer Vincent Degennaro, and Police Officer Matthew Medina, all of the 25<sup>th</sup> Precinct, responded to the residence. § 87(2)(b) opened the door and § 87(2)(b) and § 87(2)(b) both told PO Brigantti, PO Espinal, PO Degennaro, and PO Medina to get to § 87(2)(b) because she was about to jump from the apartment's balcony. PO Brigantti, PO Espinal, PO Degennaro, and PO Medina entered the apartment (**Allegation A-D: Abuse of Authority, § 87(2)(g)** § 87(2)(b) and went to speak to § 87(2)(b) on the balcony. Minutes later, Police Officer Katrayen Arsen and Police Officer Nicholas Ragone, both of the 25<sup>th</sup> Precinct, also arrived for assistance. Upon arrival, § 87(2)(b) opened the door and PO Arsen immediately pointed his taser at her (**Allegation E: Abuse of Authority, § 87(2)(g)** PO Arsen and PO Ragone's entry was closely followed by Police Officer Sabrina Alicea and Police Officer Joseph Deck, both of SRG 1, Police Officer James Weismiller of GC0 125<sup>th</sup> Precinct, Police Officer Paul Sclafani, Police Steven Cruz, Police Officer Anthony Steel, Police Officer Sakib Rahat, and Sergeant Brian Klarman, all of the 25<sup>th</sup> Precinct, who also responded to assist. Sgt. Klarman made the remark "This is annoying. Fucking irritating" and ordered the officers to detain § 87(2)(b) in the hallway (**Allegation F: Discourtesy, § 87(2)(g)** **Allegation G: Abuse of Authority, § 87(2)(g)** § 87(2)(b) Shortly after, PO Arsen briefly frisked § 87(2)(b) left pants pocket (**Allegation H: Abuse of Authority, § 87(2)(g)** Moments later, Sgt. Klarman stepped out into the hallway, asked § 87(2)(b) what happened, and then frisked § 87(2)(b) left pants pocket (**Allegation I: Abuse of Authority, § 87(2)(g)** PO Arsen and Sgt. Klarman failed to provide § 87(2)(b) with a business card (**Allegation J and Allegation K: Abuse of Authority, § 87(2)(g)** § 87(2)(b) § 87(2)(b) was placed in handcuffs and removed to the hospital (**Allegation L: Abuse of Authority, § 87(2)(g)** § 87(2)(g)

§ 87(2)(g), § 87(4-b)

No arrests or summonses resulted from this incident.

The investigation received body-worn camera (BWC) from the following officers: PO Brigantti, PO Espinal, PO Degennaro, PO Medina, PO Ragone, PO Sclafani, PO Cruz, PO Steel, PO Rahat, PO Deck, PO Weismiller, PO Arsen, PO Alicea, and Sgt. Klarman. The relevant aspects of BWC will be discussed in further detail below.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Marc Brigantti entered § 87(2)(b) in Manhattan.**

**Allegation (B) Abuse of Authority: Police Officer Edgar Espinal entered § 87(2)(b) in Manhattan.**

**Allegation (C) Abuse of Authority: Police Officer Vincent Degennaro entered § 87(2)(b) in Manhattan.**

**Allegation (D) Abuse of Authority: Police Officer Matthew Medina entered § 87(2)(b) in Manhattan.**

§ 87(2)(b) testified (BR 01) that on the date of the incident she was home with § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) got into an argument, though § 87(2)(b) did not know the nature or details, and § 87(2)(b) § 87(2)(b) called 911. § 87(2)(b) answered the door and was met with four officers: PO Brigantti, PO Espinal, PO

Degennaro, and PO Medina. The moment § 87(2)(b) answered the door, § 87(2)(b) ran onto the balcony. § 87(2)(b) and § 87(2)(b) immediately told the officers at the door, “Get her. Get her” while pointing toward the balcony.

§ 87(2)(b) testified (BR 02) that she got into an argument with § 87(2)(b) that quickly turned physical. § 87(2)(b) called 911 hoping the police would stop the situation or remove § 87(2)(b) from the apartment. § 87(2)(b) was seated on the balcony at the time of the officer’s arrival, and they all began to ask her to get off the balcony, but she resisted doing so.

§ 87(2)(b) and § 87(2)(b) were unavailable to the investigation (see IAs for contact attempts).

PO Brigantti’s BWC (BR 03) depicts his arrival at the 01:25 time stamp. PO Espinal, to the right of PO Brigantti, bangs on the door and announces that they are police. Unintelligible screaming can be heard from inside the apartment. Moments later, at the 01:38 time stamp, § 87(2)(b) opens the door and says, “She’s gonna jump off the terrace. Hurry please go go,” while gesturing to the balcony straight ahead across the room behind her. PO Brigantti immediately rushes into the apartment and walks onto the balcony and begins to speak to § 87(2)(b) (<<01:25-01:45>>).

PO Espinal, PO Degennaro, and PO Medina’s BWC are all consistent with PO Brigantti’s BWC for this portion of the incident. The remaining officers’ BWC do not capture this portion of the incident as they had not yet arrived on scene.

In People v. Doll, 21 N.Y.3d 665 (BR 04), the court affirmed that officers may perform a warrantless entry if they have reasonable grounds to believe that there is an emergency at hand, that there is an immediate need for their assistance for the protection of life or property, and this belief must be grounded in empirical facts.

It is undisputed based on officer and civilian testimony, and BWC footage, that PO Brigantti, PO Espinal, PO Medina, and PO Degennaro entered § 87(2)(b) apartment. Despite the fact that § 87(2)(b) called 911 due to a dispute with her brother, upon the aforementioned officers’ arrival, § 87(2)(b) and § 87(2)(b) granted them access by immediately directing them inside to § 87(2)(b) by telling officers that she was about to jump off the balcony. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation (E) Abuse of Authority: Police Officer Katrayen Arsen threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) testified that after she opened the door a second time minutes later, she was met with PO Arsen who remarked, “what took you so long to open the door?” while pointing a taser at her.

PO Degennaro’s BWC (BR 06), at the 03:22 time stamp, depicts PO Degennaro walk over to the apartment door following the sound of banging. A voice comes from PO Degennaro’s speaker saying, “§ 87(2)(b) where are you?” At the 03:27 time stamp, PO Degennaro opens the door and gestures to come inside. At the 03:30 time stamp, PO Arsen is seen entering the apartment with his taser drawn, not pointed, while saying to the officers, “You guys weren’t answering” and then he immediately puts the taser away. PO Degennaro tells PO Arsen they were on the balcony (<<03:22-03:30>>).

PO Arsen’s BWC (BR 07), at the 01:50 time stamp, depicts him walking down the building’s hallway as tries to locate § 87(2)(b) apartment and receives directions from a civilian speaking outside of frame. At the 02:05 time stamp, PO Arsen, positioned a few feet away from § 87(2)(b) approaches the door with his taser drawn. At the same time, someone from inside the apartment is heard crying as the door opens and then immediately slams shut. PO Arsen paces



for a few moments while yelling the name § 87(2)(b) and at the 02:15 time stamp, PO Arsen stands in front of § 87(2)(b) with his taser pointed downward, the red light on the doorknob and a moment later, PO Degennaro opens the door § 87(2)(b) is not visible) and then PO Arsen's taser leaves the frame. PO Arsen asks PO Degennaro what took him so long to open the door and moments later § 87(2)(b) walks up behind PO Degennaro while holding her hand out and apologizing (<<01:50-02:25>>).

The remaining set of officers' BWC do not depict this allegation due to where they are positioned both inside and outside of the apartment.

PO Arsen testified (BR 08) that he unholstered his taser as a safety precaution because as he approached the apartment, he heard a lot of commotion and did not know what was going. At no point during the incident did PO Arsen nor did any officer point their taser at § 87(2)(b).

PO Arsen's testimony and BWC footage were consistent in that PO Arsen did not point his taser at § 87(2)(b) as alleged. Additionally, BWC showed that § 87(2)(b) was not close to the door when the taser drawn as a precautionary measure. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (F) Discourtesy: Sergeant Brian Klarman spoke discourteously to § 87(2)(b)**

PO Degennaro's BWC, at the 04:00 time stamp, depicts PO Degennaro walking through the apartment alongside other officers. In the background, § 87(2)(b) is heard screaming incoherently and Sgt. Klarman instructs officers to walk § 87(2)(b) outside the apartment while repeating that § 87(2)(b) is not under arrest. PO Degennaro continues to walk through the apartment and walks out the door as Sgt. Klarman continues to say that § 87(2)(b) is not under arrest. At the 04:52 time stamp, PO Degennaro is now standing right outside the apartment with the door still wide open. Sgt. Klarman is to the immediate left and begins moving back inside the apartment while stating, at 4:52 to 4:54, "This is annoying. Fucking irritating." Sgt. Klarman turns to § 87(2)(b) and § 87(2)(b) who are directly in front of him, and instructs them to stay back from the hallway and to calm down (<<04:00-05:00>>).

Sgt. Klarman's BWC is consistent with PO Degennaro's BWC for this portion of the incident.

§ 87(2)(b) did not raise this allegation during her CCRB interview.

Sgt. Klarman testified (BR 09) that he did not have an independent recollection of making the remark, "This is annoying. Fucking irritating" or otherwise using any discourteous language. During Sgt. Klarman's interview, he was shown the BWC footage three times that depicted him using profanity. Sgt. Klarman, who was promoted to the rank of Lieutenant since this incident and was thus interviewed remotely via Microsoft Teams, testified that he could not hear the general tenor of his voice, nor could he hear himself say the words "fucking irritating" and attributed his inability to hear due to Microsoft Teams.

According to NYPD Patrol Guide Procedure 200-02 (BR 10), police officers are expected to maintain a higher standard of integrity than is generally expected of them and value human life, respect the dignity of each individual and render their services with courtesy and civility.

Despite Sgt. Klarman's lack of independent recollection for the use of "fucking irritating" towards § 87(2)(b) BWC evidence depicts Sgt. Klarman's use of this discourteous language. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (G) Abuse of Authority: Sergeant Brian Klarman detained § 87(2)(b)**

PO Arsen's BWC at the 03:28 time stamp depicts PO Arsen handcuff § 87(2)(b) and bring him out into the hallway. PO Arsen states, "He's not under arrest, he's detained." PO Arsen

guides § 87(2)(b) farther down the hallway as he continues to explain to § 87(2)(b) that he is not under arrest and that the officers just want to figure out what is going on (<<03:28-03:40>>).

§ 87(2)(b) was unavailable to the CCRB and did not provide testimony (see IAs for contact attempts).

PO Arsen testified that minutes after he entered the apartment, he observed § 87(2)(b) sweating profusely and then § 87(2)(b) ran across the apartment, through the kitchen, towards the back bedroom area. PO Arsen instructed one of the officers nearby to grab § 87(2)(b) before he reached the bedroom. PO Arsen's reasoning was that this was a family dispute, and the back bedroom was an unknown area, and he did not know § 87(2)(b) intentions. One of the officers, though PO Arsen did not recall which one, grabbed § 87(2)(b) and PO Arsen took a hold of § 87(2)(b) arm. Sgt. Klarman further instructed the officers to place § 87(2)(b) in handcuffs and bring him to the building hallway so they could begin to figure out what was going on. As instructed, PO Arsen did so.

Sgt. Klarman testified that he instructed one of his officers, though he did not recall which one, to handcuff § 87(2)(b) because Sgt. Klarman did not know who the call was in regard to or if this person was armed. As such, and with safety in mind, Sgt. Klarman believed it was best to separate § 87(2)(b) from the scene inside of the apartment.

According to NYPD Patrol Guide 212-11 (BR 12), when a person's freedom of movement is restricted and they are temporarily detained, it is categorized as a Level III encounter, or Terry Stop. The Patrol Guide further specifies that a police officer may ask questions and detain the person while an expeditious investigation is conducted to determine if there is probable cause to arrest the person.

It is undisputed based on BWC footage and officer testimony that PO Arsen detained § 87(2)(b) at the time of the incident as per Sgt. Klarman's instruction. As such, Sgt. Klarman was pled as the subject of the detainment allegation.

Sgt. Klarman testified that he instructed PO Arsen to detain § 87(2)(b) because Sgt. Klarman was not certain who the subject of the 911 call was or if they were armed and believed it was best to separate § 87(2)(b) from the apartment. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (H) Abuse of Authority: Police Officer Katraven Arsen frisked § 87(2)(b)**

**Allegation (I) Abuse of Authority: Sergeant Brian Klarman frisked § 87(2)(b)**

At the time 03:51 time stamp, PO Arsen asks, "Do you have anything on you?" and § 87(2)(b) replies, "no" and then PO Arsen briefly frisks § 87(2)(b) left pants pocket (<<03:51-03:55>>). § 87(2)(b) is already handcuffed at the time of the frisk.

The remaining officers' BWC do not capture this portion of the incident.

PO Arsen's BWC further depicts that later at the 05:00 time stamp, Sgt. Klarman steps out into the hallway and asks § 87(2)(b) to tell him what is going on to which § 87(2)(b) explains that he had a verbal argument with § 87(2)(b) that she blew out of proportion. Sgt. Klarman nods and tells § 87(2)(b) to bear with them. At the 06:08 time stamp, Sgt. Klarman briefly frisks § 87(2)(b) left pants pocket, while asking if § 87(2)(b) has anything on him. PO Arsen states, "I patted him down."

From PO Arsen's BWC footage, § 87(2)(b) left pants pocket does appear somewhat weighted, though there is no discernable shape consistent with a firearm or other apparent weapon.

Sgt. Klarman's BWC is consistent with PO Arsen's BWC for this portion of the BWC. The remaining officers' BWC do not capture this portion of the incident due to their differing locations during this aspect of the incident.

§ 87(2)(b) was unavailable to the CCRB and did not provide testimony (see IAs for contact attempts).

PO Arsen testified that after detaining § 87(2)(b) PO Arsen noticed that § 87(2)(b) was shirtless and wearing “baggy” basketball shorts with “saggy” pockets that appeared to be weighed down and there appeared to be an item, though PO Arsen was unable to further describe what this item might be based on looking alone. PO Arsen believed that the item could be anything. PO Arsen did not observe any distinct outlined bulges. PO Arsen did not observe or suspect anything else on § 87(2)(b) person other than the aforementioned item. PO Arsen further testified that when § 87(2)(b) ran through the kitchen, PO Arsen lost sight of § 87(2)(b) hands; additionally, given the nature of the call, how chaotic the current situation was, and PO Arsen’s overall lack of clarity, also influenced his decision to frisk § 87(2)(b) PO Arsen said something to the effect of, “sir you have anything on you?” then gave a brief open palmed pat to § 87(2)(b) left pocket followed by his right pocket. PO Arsen then realized that there was nothing “hard” or any weapon like objects in the pockets, so he instructed § 87(2)(b) to wait out in the hallway while they get the situation sorted. PO Arsen testified that at no point during the incident was § 87(2)(b) under arrest or suspected of a crime, nor did PO Arsen suspect § 87(2)(b) to have a weapon other than the aforementioned physical observations that PO Arsen testified to.

Sgt. Klarman testified that after he instructed officers to detain § 87(2)(b) he remained inside and after some conversation between him, § 87(2)(b) and the additional officers, he learned that § 87(2)(b) had attempted to jump off the balcony and was thus the EDP at the location. Minutes later, Sgt. Klarman told § 87(2)(b) that he was not under arrest and that he was free to leave now that the situation was contained. § 87(2)(b) was not considered under arrest nor was he suspected of a crime at any point during the incident. Sgt. Klarman did not observe anything on § 87(2)(b) person that conveyed he might have a weapon on him nor did any officer convey such information. Sgt. Klarman initially testified that he did not recall frisking § 87(2)(b) nor did he recall any officer do so. During his CCRB interview, Sgt. Klarman was shown PO Arsen’s BWC, which depicts PO Arsen and Sgt. Klarman frisk § 87(2)(b) left pants pocket. Upon reviewing the BWC, Sgt. Klarman still did not have an independent recollection of frisking or why he might have done so, but Sgt. Klarman assumed that he observed a bulge on § 87(2)(b) and wanted to check out what it was. Sgt. Klarman further testified that § 87(2)(b) was not suspected of a crime at any point during the incident.

According to People v. De Bour, officers may frisk an individual if the officer reasonably suspects the individual is armed (BR 11).

NYPD Patrol Guide Procedure 212-11 states that a frisk is authorized when the member of the service reasonably suspects the person is armed and dangerous. This includes situations in which the officer observes something on the person that the officer reasonably suspects is a weapon (BR 12).

According to People v. Howard, 147 A.D.2d 177., the mere observation of an undefinable bulge in a person's pocket is insufficient as a basis for a frisk or search (BR 25).

It is undisputed based on BWC evidence that PO Arsen and Sgt. Klarman frisked § 87(2)(b) while he was detained. PO Arsen testified that he frisked § 87(2)(b) for safety purposes because § 87(2)(b) basketball shorts were sunken down with the weight of unknown object. However, PO Arsen was unable to articulate the size, shape, or outline of any weapon and by his own testimony, PO Arsen acknowledged that the item in question could have been “anything.” Sgt. Klarman testified that he did not have an independent collection of frisking § 87(2)(b) and was unable to speak to why he took that action. Both PO Arsen and Sgt. Klarman testified that prior to detaining § 87(2)(b) they did not have any reason to believe § 87(2)(b) was armed, § 87(2)(b) was not under arrest, nor was § 87(2)(b) suspected of a crime at any point during the incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (J) Abuse of Authority: Police Officer Katrayen Arsen failed to provide § 87(2)(b) with a business card.**

**Allegation (K) Abuse of Authority: Sergeant Brian Klarman failed to provide § 87(2)(b) with a business card.**

PO Arsen and Sgt. Klarman both testified that they did not provide § 87(2)(b) with a business card following the frisk. PO Arsen and Sgt. Klarman both testified that given the circumstances, providing a business card to § 87(2)(b) was not required of them.

According to Administrative Code § 14-174 (BR 13), “during a law enforcement activity, including frisks, an officer shall offer a business card to such person at the conclusion of any such activity that does result in an arrest or summons.”

It is undisputed that PO Arsen and Sgt. Klarman did not provide § 87(2)(b) with a business card following the frisk. While PO Arsen and Sgt. Klarman both testified that they were not required to provide a business card, as per the Administrative Code, PO Arsen and Sgt. Klarman were required to provide a business card to § 87(2)(b) following their law enforcement activity of frisking him. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation (L) Abuse of Authority: Sergeant Brian Klarman forcibly removed § 87(2)(b) to the hospital.**

§ 87(2)(b) and § 87(2)(b) both testified that after the second set of officers responded to the scene, § 87(2)(b) was placed in handcuffs and led downstairs to the awaiting ambulance despite their combined verbal protests. § 87(2)(b) was immediately removed to the hospital.

Sgt. Klarman testified that once § 87(2)(b) was identified as a suicidal EDP, Sgt. Klarman instructed the officers to place § 87(2)(b) in handcuffs so that could be escorted to the ambulance outside.

As mentioned above in Allegations A-D, the initial four responding officers’ BWC, PO Brigantti, PO Espinal, PO Degennaro, and PO Medina, were all consistent in that upon arrival they learned from § 87(2)(b) that § 87(2)(b) was on the apartment balcony and was likely to jump. PO Brigantti’s BWC, at the 01:50 time stamp, depicts him go into the apartment and walk straight ahead to the balcony where § 87(2)(b) stands and says that the officers are not here for her but rather § 87(2)(b) § 87(2)(b) begins yelling that she is not going to do anything and the 01:58 time stamp, PO Brigantti attempts to pull § 87(2)(b) further into the apartment while telling her to come talk. At the 02:04 time stamp, § 87(2)(b) slides the balcony door shut and walks further onto the balcony out of frame. After a few moments, PO Brigantti, PO Espinal, PO Degennaro, and PO Medina all step onto the balcony and attempt to convince § 87(2)(b) to come inside and speak to them which she continuously verbally protests and insists that the officers are here for § 87(2)(b) not her. At the 03:25 time stamp, § 87(2)(b) re-enters the apartment while yelling for the officers to get § 87(2)(b) because that is who she called 911 on (<<01:50-03:30>>).

PO Espinal, PO Degennaro, and PO Medina’s BWC are all consistent with PO Brigantti’s BWC for this portion of the incident. The remaining officers’s BWC do not capture this portion of the incident as they had not yet arrived on scene.

According to NYPD Patrol Guide 221-13 (BR 05), “a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others” is considered an emotionally disturbed person (EDP). Further, “upon arrival at scene, assess situation as to threat of immediate serious physical injury to EDP, other persons present, or members of the service and request an ambulance, if one has not already been dispatched.”



[REDACTED]

§ 87(2)(g), § 87(4-b)

- This is the first complaint to which § 87(2)(b) has been a party (BR 16).
- This is the first complaint to which § 87(2)(b) has been a party (BR 17).
- This is the first complaint to which § 87(2)(b) has been a party (BR 18).
- PO Arsen has been a member of service for six years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Klarman has been a member of service for 15 years and has been a subject in 11 CCRB complaints and 16 allegations, none of which were substantiated. § 87(2)(g)

- § 87(2)(b) declined to mediate this complaint.
- As of March 24<sup>th</sup>, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim for § 87(2)(b) being filed in regard to this incident (**BR 20**).
- As of March 24<sup>th</sup>, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim for § 87(2)(b) being filed in regard to this incident (**BR 19**).
- As of March 24<sup>th</sup>, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim for § 87(2)(b) being filed in regard to this incident (**BR 21**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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Investigator:	<u>Francesca Chery</u> Signature	<u>Inv. Francesca Chery</u> Print Title & Name	<u>08/03//2023</u> Date
Squad Leader:	<u>Cassandra Fenkel</u> Signature	<u>IM Cassandra Fenkel</u> Print Title & Name	<u>08/03/2023</u> Date
Reviewer:	<u></u> Signature	<u></u> Print Title & Name	<u></u> Date